

REMARKS

The Office Action mailed January 24, 2008 (hereinafter, “Office Action”) has been reviewed and the Examiner’s comments considered. Claims 30-39 are pending in this application. Claims 34-36 are withdrawn from further consideration as being drawn to a non-elected Species. No amendments are made herein.

Drawings

The drawings stand objected to under 37 C.F.R. § 1.83(a). The Office Action states that claim 37 includes a limitation combination not shown by the drawings. More particularly, the Office Action asserts that the limitation “a connector housing 502...to receive a proximal end of a catheter 50; a syringe adapter 500/504” is not shown. Initially, Applicant refers to claim 37 as presented and note that there are no reference numerals included therein. Moreover, Applicant respectfully disagrees with the assertion by the Office in view of FIGS. 7A and 7B, which clearly show this combination of features that are described in the specification as originally filed in paragraph [0047] as follows:

In another embodiment of the multifunction adaptor of the present invention, a tapered connector housing and removable syringe adaptor assembly 500, which allows a reverse tunneled catheter to be flushed and attached to the tip of a tunneler 50, is illustrated in FIG. 7A....As shown in FIG. 7B, a syringe is attached to the syringe adaptor 504 for flushing a catheter attached to the distal end of the connector housing 502.

Accordingly, Applicant respectfully submits that the features of claim 37 are shown in the drawings and therefore request withdrawal of this objection under 37 C.F.R. § 1.83(a).

Claim Rejections - 35 U.S.C. § 112

Claims 30 and 37 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection.

The Office Action alleges that claim 30 is “misdescriptive” due to the alleged recitation of “a proximal portion of the passage way including an engagement feature 500 configured to connect an end of an instrument to the connector” not matching FIG. 7C. Initially, Applicant refers to claim 30 as presented and notes that no reference numeral is included therein. Moreover, the second paragraph of 35 U.S.C. § 112 is directed to requirements for *claims* (see MPEP § 2171). Thus, “the content of applicant’s specification is not used as evidence that the scope of the claims is inconsistent with the subject matter which applicants regard as their invention.” (MPEP § 2172, p. 2100-217, Rev. 6, Sept. 2007). Applicant submits that there is nothing indefinite in claim 30 as the language therein is precise, clear, correct and unambiguous. Nor is there any inconsistency between the claim and specification disclosure pursuant to MPEP § 2173.03, as FIG. 7C of the instant application clearly shows a connector with a passageway as claimed, an example of the engagement feature being shown in detail in FIGS. 2-3 and described in paragraph [0047] with reference to FIGS. 7A-C as follows:

After the catheter is placed and the tunneler is positioned in the subcutaneous tunnel, the proximal end of the connector housing 502 is slid over the tip of the tunneler 50. A compression ring, such as O-ring 110 (FIG. 3), grips the tunneler tip, allowing the catheter to be withdrawn through the subcutaneous tunnel by pulling the connector 502 through to an exit site. The design allows use of a standard tunneler, a tunneler with a locking notch, or a tunneler with shallow threads at the tip to allow the tunneler to be removed (unthreaded) from the connector housing.

It is noted that the engagement features described are examples of types of potential engagement features and are not intended to be limiting. Nevertheless, it is clear that claim 30 is accurately descriptive and is consistent with the specification as originally filed. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of this rejection under 35 U.S.C. § 112, second paragraph.

The Office Action also alleges that claims 37-38 are “misdescriptive” because FIGS. 7A-C fail to show that the connector housing is connected to both an adapter 504 and a catheter 50 in one figure (Office Action, p. 3). Applicant notes that neither claim 37 or 38 includes a limitation of the housing being connected to a catheter. Thus, in view of the above, Applicant submits that claims 37-38 are precise, clear, correct and unambiguous, as well as consistent with the specification and therefore request favorable reconsideration and withdrawal of this rejection under 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 U.S.C. § 102

Claims 30-31, 33, and 37-39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US 2004/0193119 to Canaud et al. (hereinafter, “Canaud”). Claims 30-33 and 37-39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USPN 5,935,112 to Stevens et al. (hereinafter, “Stevens”). Applicant respectfully traverses these rejections.

Canaud

Independent claim 30 recites, *inter alia*, “a distal portion of the passageway including a valve having a closed proximal end with a slit and an open distal end.” Independent claim 37 similarly recites, *inter alia*, “a distal portion of a connector housing lumen including a valve having a closed proximal end with a slit and an open distal end.”

The Office Action alleges that Canaud discloses a valve as claimed, but does not state with specificity where in Canaud “a valve having a closed proximal end with a slit and an open distal end” as claimed is described. Applicant submits that Canaud fails to show or describe at least this feature and therefore does not anticipate either independent claims 30 or 37.

With reference to FIG. 3, Canaud describes a valve 272 disposed along the longitudinal passageway 278, the valve preferably being “a bi-directional valve or a duckbill valve.” (Canaud, paragraph [0043], p. 3). With reference to FIG. 7, Canaud describes a valve 424 that “is bidirectional” and is preferably a bi-directional valve or a duckbill valve.“ (Canaud, paragraph [0051], p. 5). With reference to FIGS. 19-20, Canaud describes a valve 714 that is also noted as

being preferably “a bi-directional valve or a duckbill valve.” (Canaud, paragraph [0069], p. 7). Nowhere in Canaud is there shown or described a valve having a *closed proximal end with a slit* as claimed. Thus, independent claims 30 and 37, and claims 31, 33, 38 and 39 depending therefrom, are not anticipated by Canaud. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of this rejection under 35 U.S.C. § 102.

Stevens

Independent claim 30 recites, *inter alia*, “a proximal portion of the passageway including an engagement feature configured to connect an end of an instrument to the connector.”

The Office Action alleges that Stevens discloses a connector as claimed, but does not state with specificity where in Stevens there is shown or described a connector including a passageway including an engagement feature in a proximal portion thereof. Applicant submits that Stevens fails to show or describe at least this feature and therefore does not anticipate independent claim 30.

The Office Action cites to elongated housing 42 as anticipatory disclosure of the claimed connector (Office Action, p. 4). With reference to FIG. 2 of Stevens, showing an enlarged cross-sectional view of the housing 42, the alleged “proximal portion of the passageway” as claimed could, in the broadest interpretation, either be identified as bore 86 or compression chamber 88. However, neither bore 86 or chamber 88 are shown or described as including “an engagement feature configured to connect an end of an instrument to the connector,” as claimed.

Thus, independent claim 30, and claims 32-33 depending therefrom, are not anticipated by Stevens. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of this rejection under 35 U.S.C. § 102.

Independent claim 37 recites, *inter alia*, “a syringe adaptor including a distal end configured to slide over the tapered proximal end of the connector housing and a proximal opening configured to receive a male luer portion of the syringe.”

The Office Action alleges that Stevens discloses “a syringe adaptor 46” (Office Action, p. 4). However, with reference to FIG. 2, Stevens identifies reference numeral 46 as a “rotatable end cap” with a proximal end 182 and a distal end 184, the distal end including on an interior surface engagement second threads 202 “for rotational, threaded engagement with first engagement threads 120 on proximal end 84 of housing 42.” (Stevens, col. 11, ll. 40-49). The proximal end of the rotatable end cap includes an interior surface 218 that expands radially outward “to form an enlarged retaining mouth 222.” Thus, Stevens does not show or describe at least either a syringe adaptor including a distal end configured to *slide* over the tapered proximal end of the connector housing or a syringe adaptor including a proximal opening configured to receive a male luer portion of the syringe, as claimed.

Therefore, independent claim 37, and claims 38-39 depending therefrom, are not anticipated by Stevens. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of this rejection under 35 U.S.C. § 102.

Claim Rejections - 35 U.S.C. § 103

Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Canaud or Stevens. Applicant respectfully traverses this rejection.

In view of the above, claim 32 depends from patentable independent claim 30 and is therefore patentable. Accordingly, Applicant respectfully requests favorable reconsideration and withdrawal of this rejection under 35 U.S. C. § 103.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and

authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 502191 referencing docket no. 1016720019P. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 24, 2008

Respectfully submitted,

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